

## 3:03-cv-551

CINDERELLA BLAKNEY,  
  
Plaintiff,  
  
v.  
  
CHARLOTTE-MECKLENBURG  
SCHOOLS,  
  
Defendant.


On July 13, 2006, this Court issued an Show Cause Order instructing Plaintiff Blakney to demonstrate why her case should not be dismissed pursuant to Fed. R. Civ. P. 41(b) for failure prosecute the claim. (Doc. No. 40). Specifically, the plaintiff was asked to explain why she had failed to submit an Amended Complaint after: 1) having been instructed by the Court in April of 2005 to amend her Complaint (Doc. No. 26); and 2) she was put on notice by the magistrate judge on January 10, 2006, that she had improperly submitted an Amended Complaint (Doc. No. 37).<sup>1</sup> Having reviewed Blakney's response (Doc. No. 41), the Court finds that her proffered reasons do not justify, or even explain, her failure comply with the Court's previous orders concerning her Amended Complaint. The Court specifically finds that its denial of her request to proceed *in forma pauperis* (after Blakney had already paid the filing fee) and her unfortunate financial situation are irrelevant to her delay, as there is minimal – if any – cost involved in simply requesting leave from the Court to file an Amended Complaint. See also *Martone v.*

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Connecticut General Life Ins. Co., 983 F.2d 1056, 1992 U.S. App. LEXIS 37150 (4th Cir. Md. 1992) (unpublished table decision) (claims of financial difficulties do not excuse a litigant's failure to comply a court's instructions).

**THEREFORE, IT IS HEREBY ORDERED** that Plaintiff Blakney's case be **DISMISSED**.

Signed: January 29, 2007

  
Robert J. Conrad, Jr.  
Chief United States District Judge

